

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TAMARA LEWIS,

Plaintiff,

v.

GREGORY FISHER, DDS, and KATHLEEN
ANN STOCKMAN, husband and wife,
GREGORY R. FISHER, DDS EMPLOYEE
BENEFIT AND WELFARE PLAN,

Defendants.

Case No. C06-5352RJB

ORDER

This matter comes before the court on Plaintiff's Motion to Amend (Dkt. 42). The court is familiar with the records and files herein and documents filed in support of and in opposition to said motion.

First, it appears that the court's order of May 9, 2007, (Dkt. 41) has caused some confusion, for which the court apologizes. A cross claim (Dkt. 21) was pending between defendants Fisher, Stockman and the Plan and defendant Regence BlueShield at the time the order was entered. That cross claim was not addressed in the court's order, nor was it discussed in the pleadings filed in support of and in opposition to those motions (Dkts. 27, 28, and 38). The order was intended to dismiss Regence BlueShield as a party defendant only, and the court did not then consider, nor does


1 the court now consider, the status of Regence BlueShield in the case as it relates to the cross claim.
2 In other words, the order dismissing Regence BlueShield was intended to dismiss it as a party
3 defendant, not as a defendant to the cross claim or as a third party defendant.

4 So far as the plaintiff's Motion to Amend Complaint (Dkt. 42) is concerned, this additional
5 motion to amend should be granted in the form attached to plaintiff's Reply in Support of Motion to
6 Amend (Dkt. 46), pursuant to Federal Rule of Civil Procedure 15(a).

7 This ruling leaves the status of Regence BlueShield to be clarified by stipulation or further
8 motion practice. Regence BlueShield is no longer a defendant on plaintiff's claim; the court makes
9 no ruling at this time on the status of the cross claim against Regence BlueShield.

10 **IT IS SO ORDERED.**

11 DATED this 21st day of June, 2007.

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13 Robert J. Bryan
14 United States District Judge
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